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| STATE OF INDIANA |) | MARION CIRCUIT AND |
| |) | SUPERIOR COURTS |
| COUNTY OF MARION |) | |
| |) | |
| In Re Local Court Rules |) | |

Notice of Proposed Local Rule Amendments, Finding Good Cause to Deviate from the Schedule for Amending Local Court Rules, Requesting Comments and Supreme Court Approval

The Judges of the Marion County Courts in compliance with the provisions of Trial Rule 81 give Notice of proposed amendments to their local court rules concerning **Rules on Caseload Allocation at LR49-AR 1(E)-302**. And, pursuant to Trial Rule 81(D), the Judges find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of amendments to local rules. Supreme Court approval is required for amendments to these local rule amendments and is requested. Accordingly, the Courts issue the following proposed amendments to the Marion County Local Court Rules and ask for comment from the bar and the public. Underlining indicates proposed additions and striking through indicates deletions. The amended rules as posted after comments will be effective on **August 15, 2014**.

Comments to these proposed Local Rule amendments will be received through **Noon on August 14, 2014**. Comments to these proposed amended Local Rules should be e-mailed to the Office of the Court Administrator, c/o Paige Bova, at Paige.Bova@indy.gov

or mailed to:

Office of the Court Administrator
c/o Paige Bova
Marion County Circuit and Superior Courts
200 East Washington St., Ste. T-1221
Indianapolis, IN 46204

All of the above is so ORDERED this 15th day of July, 2014.

/s/ David J. Certo*
Judge David J. Certo
Presiding Judge

* Original signature on file with the Court.

LR49-AR 1(E)-302¹ Rules on Caseload Allocation

A. Purpose. Caseload allocations shall allow the judges of the Marion Superior Court to make thoughtful, timely, reasonable and just decisions.

B. Procedure. The Executive Committee shall at least annually:

1. Review and assess literature on case flow management from any source with a view toward the improvement of the Court's case flow from filing to disposition;

2. Review and consider suggestions made by members of the bar, the public and other interested parties; and

3. Review and analyze the statistics or current workload and case flow within the Court.

- a. Civil cases shall be assigned in accordance with LR49-TR3-200 Random Filing of Civil Cases. Criminal cases shall be filed in accordance with LR49-CR 2.2-100 Random Assignment of Criminal Cases and LR49-CR 2.3-101 Case Consolidation.

- b. ~~Allocate~~ Judicial Officers shall be allocated where appropriate to ~~keep~~ comply with the weighted caseload requirements ~~of that there be no more than a .40 deviation between any two courts- provided, however, that upon approval of an exception for good cause granted by the Indiana Supreme Court, the deviation between traffic court and any other court shall not exceed 3.40.~~

- c. Upon transfer of all PAIR cases from misdemeanor court F08 [G08], F08 [G08] utilization shall be maintained at a level consistent with that of all other misdemeanor courts.

- d. Upon transfer of PAIR cases to community court F12 [G12] and transfer of OV/OE (City Prosecutor cases) to protection order court G21, community court utilization shall be maintained at a level consistent with all other misdemeanor courts.

- e. D felony court F25 [G25] shall be maintained at a utilization level consistent with other D felony courts and major felony court G22 cases shall be allocated within the other major felony courts (G01, G02, G03, G04, G05, and G06).

¹ See Supreme Court Order regarding Local Rules for Caseload Management issued on September 8, 2010.

f. Civil plenary (CP/PL) cases shall be filed as follows:

i. 1% shall be randomly filed in Marion County Circuit Court; and

ii. 99% shall be filed in the Marion Superior Court, divided randomly and evenly among the courts of the Civil Division (49D01, 49D02, 49D03, 49D04, 49D05, 49D06, 49D07, 49D10, 49D11, 49D12, 49D13, and 49D14).

g. Mortgage foreclosure (FM) cases shall be filed as follows:

i. 5% shall be randomly filed in Marion County Circuit Court; and

ii. 95% shall be filed in the Marion Superior Court, divided randomly and evenly among the courts of the Civil Division (49D01, 49D02, 49D03, 49D04, 49D05, 49D06, 49D07, 49D10, 49D11, 49D12, 49D13, and 49D14).

h. Civil collections (CC) cases shall be filed as follows:

i. 1% shall be randomly filed in Marion County Circuit Court; and

ii. 99% shall be filed in the Marion Superior Court, divided randomly and evenly among the courts of the Civil Division (49D01, 49D02, 49D03, 49D04, 49D05, 49D06, 49D07, 49D10, 49D11, 49D12, 49D13, and 49D14).

i. Civil torts (CT) and Domestic relations (DR) cases shall be assigned in the proportion of 100% in the Marion Superior Court, divided randomly and evenly among the courts of the Civil Division (49D01, 49D02, 49D03, 49D04, 49D05, 49D06, 49D07, 49D10, 49D11, 49D12, 49D13, and 49D14).

e. j. Any change involving caseloads, ~~under the weighted caseload plan~~, whether it is type of case or number of cases, shall require a majority vote of the Executive Committee and is subject to review under LR49-AR00-300(F)(2).

d. k. In deciding changes, the Executive Committee shall give due weight to the expertise and abilities of each judge, the stress associated with the types of cases and caseloads, and the goal of keeping each judge competent in the various areas of the law. Seniority shall be a consideration, but not the determinant factor for caseload allocation or courtroom assignment.

e. l. As new judges are appointed or elected to the Court, the Executive Committee shall assign them to courtrooms using the same criteria.

C. Implementation. The Clerk of the Court shall maintain systems as required to implement orders of the Court relating to case allocation.

D. Record Keeping. All matters of statistics and case flow management shall be collected and maintained by personnel in the office of Marion County Court Administration. All judges and their staffs shall be responsible for the collection and preparation of these statistics in a form and manner directed by the Executive Committee.